

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ORDER AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

This action is before the Court upon the pretrial motions of the parties which were referred to the undersigned United States Magistrate Judge pursuant to 28 U.S.C. § 636(b). An evidentiary hearing was scheduled for October 26, 2005.

On October 26, 2005, defendant appeared in open court, with counsel, and advised the undersigned that he had decided not to raise any issues by way of pretrial motions. He thereupon waived his rights to file pretrial motions and to have a pretrial hearing.

Whereupon,

IT IS HEREBY ORDERED that the motion of the government for a pretrial determination of the admissibility of evidence (Doc. 11) is denied as moot.

IT IS HEREBY RECOMMENDED that the motion of defendant to suppress evidence and statements (Doc. 15) be denied as moot.

The parties are advised they have ten (10) days to file written objections to this Order and Recommendation. The failure to file objections may result in a waiver of the right to appeal issues of fact.

David D. Noce

Signed on October 27, 2005.